IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.535 OF 2005
IN
SUMMARY SUIT NO.2173 OF 2004

Interiables Industries Pvt. Ltd. ..Plaintiffs.
Vs.
Mauli Graphics. ..Defendant.

Ms.Sujata Palav i/by Vijaykumar & Co. for the plaintiffs.

Ms. Hingorani for the Defendant.

CORAM : A.M. KHANWILKAR, J.
DATED : 20/6/2005

P.C.:

1. Heard counsel for the parties. Perused the pleadings.

2. This application is for amendment of the plaint. It is stated that certain exhibits annexed to the plaint are wrongly annexed due to inadvertence, inasmuch as, some of the invoices have been annexed twice and some invoices have remained to be annexed inadvertently. Similar mistake has occured in annexing delivery challans. In other words, the plaintiffs seek to correct the clerical mistake which has occured during the institution of the

plaint. There is no reason to suspect the bonafides of the plaintiffs when the plaintiffs assert that such mistake has occured due to inadvertence. The main objection taken by the defendant is that the present application has been filed almost after one year after presentation of the suit. Even so, as mentioned earlier, the mistake which plaintiffs seek to correct is essentially clerical error committed in the office of the Advocate. The litigant should not suffer for the mistake of the advocate. Accordingly, in my opinion, this application deserves to be allowed.

3. In view of the above, chamber summons is made absolute in terms of prayer clause (a) and (b) on condition that the plaintiffs should pay costs quantified at Rs.2500/- to the defendant within two weeks from today. Amendment to be carried out within two weeks from today. S.O. 5.7.2005.

(A.M. KHANWILKAR,J.)